



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Hajduk et al.

Group Art Unit: 2812

Serial No.: 09/779,149

Examiner: Tomas Friend

Filed: February 8, 2001

For: INSTRUMENT FOR HIGH THROUGHPUT MEASUREMENT OF MATERIAL
PHYSICAL PROPERTIES AND METHOD OF USING SAME

Attorney Docket No.: 1012.123D2

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TERMINAL DISCLAIMER

Commissioner of Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

Without conceding the same is necessary, but in order to expedite prosecution, this Terminal Disclaimer is being filed to overcome a double patenting rejection issued by the examiner in the above referenced patent application.

Accordingly:

1. Hajduk et al., the individual inventors of the present application, as well as on U.S. Patent No. 6,182,499, 6,393,859 B1 and 6,438,497 B1 through their attorney, hereby disclaim and dedicate to the public the term of any patent, which may issue from the present application which extends beyond the expiration date of U.S. Patent No. 6,182,499, 6,393,859 B1 and 6,438,497 B1.

2. Hajduk et al., through their attorney, further agree and acknowledge that any patent granted on the present application shall be enforceable only for and during the period that said patent is commonly owned with said U.S. Patent No. 6,182,499, 6,393,859 B1 and 6,438,497 B1. This agreement runs with any patent granted on the instant application and is binding upon the grantor, its successor or assignees.

3. In making the above disclaimer, Hajduk et al., through their attorney, do not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No.

6,182,499, 6,393,859 B1 and 6,438,497 B1 in the event that it: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(b), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title above.

If any additional fee is due with the filing of this paper please charge the amount to deposit account 50-0496.

Respectfully submitted,

Dated: Sept 15, 2002

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